

Appl. No. 09/890,490
Final Amendment and/or Response
Reply to final Office action of 28 December 2005

Page 5 of 7

REMARKS / DISCUSSION OF ISSUES

Claims 10-11 and 13-20 are pending in the application. Claims 1-9 and 12 are cancelled herein, and claim 10 is rewritten in independent form, including each limitation of its parent claim. Because no new matter is introduced, and because the scope of the pending claims remain identical to their scope prior to this amendment, and therefore do not require additional search, admittance of this amendment under 37 CFR 1.116 is proper, per MPEP 714.12.

The Office action rejects claims 10-11 and 13-19 under 35 U.S.C. 102(b) over Porambo et al. (USP 5,280,638, hereinafter Porambo). The applicants respectfully traverse this rejection.

Claim 10 specifically claims a receiver for a digital signal that includes one or more filters that are configured to filter an input signal to obtain a processed signal; wherein the one or more filters include: an input filter, and a double tuned band-filter.

MPEP 2131 states:

"A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The **identical invention** must be shown in as **complete detail** as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Porambo fails to teach a double tuned band-filter, as specifically claimed in claim 10, upon which claim 11 depends. The Office action asserts that Porambo's filter 38 is a double tuned band-filter. The applicants respectfully disagree. Porambo's filter 38 is clearly illustrated in Porambo's FIG. 3 as a single tuned band-filter. Porambo's filter 38 contains only one control input, from D/A block 51, whereas double tuned band-filters require two inputs.

Because Porambo fails to teach a double tuned band-filter, as specifically claimed in claim 10, the applicants respectfully maintain that claims 10 and 11 are patentable under 35 U.S.C. 102(b) over Porambo, per MPEP 2131.

Appl. No. 09/890,490
Final Amendment and/or Response
Reply to final Office action of 28 December 2005

Page 6 of 7

Claim 13, upon which claims 14-20 depend, claims a method that includes receiving an RF input signal, filtering the RF input signal, mixing the filtered RF signal to provide an IF signal, demodulating the IF signal to provide a digital output signal and a figure of merit associated with the digital output signal, and adjusting at least one RF filter based on the figure of merit.

Porambo fails to teach adjusting at least one RF filter based on a figure of merit that is provided by demodulating an IF signal, and fails to teach that demodulating the IF signal provides a digital output signal upon which this figure of merit is based.

Porambo teaches a conventional RF stage having filters that are adjusted based on a feedback signal from an IF section 41. Porambo teaches a demodulation section 42, but fails to teach or suggest a feedback signal being provided from this demodulating stage to adjust Porambo's RF filters. The Office action fails to address this element of claim 13.

Further, Porambo teaches a conventional FM Receiver, and does not teach that the demodulation section 42 provides a digital output signal upon which a figure of merit is based. The Office action fails to address this element of claim 13.

Because Porambo fails to teach demodulating an IF signal to provide a digital output signal and a figure of merit associated with the digital output signal, and adjusting at least one RF filter based on the figure of merit, the applicants respectfully maintain that claims 13-19 are patentable under 35 U.S.C. 102(b) over Porambo.

Appl. No. 09/890,490
Final Amendment and/or Response
Reply to final Office action of 28 December 2005

Page 7 of 7

The Office action rejects claim 20 under 35 U.S.C. 103(a) over Porambo and Liebetreu et al. (USP 5,949,832, hereinafter Liebetren).

The Examiner's attention is requested to MPEP 2142, wherein it is stated:


"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) *must teach or suggest all the claim limitations*... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Claim 20 is dependent upon claim 13. In this rejection, the Office action relies upon Porambo for teaching the elements of claim 13. As noted above, Porambo fails to teach each of the elements of claim 13, and the Office action fails to identify teachings in Porambo for these missing elements.

Because the Office action fails to identify teachings in Porambo of the elements of claim 13, upon which claim 20 depends, the applicants respectfully maintain that a *prima-facie* case of obviousness has not been established, and thus the rejection of claim 20 is unfounded, per MPEP 2142.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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